

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WAYNE SKILES,  
Plaintiff,  
v.  
TESLA, INC., et al.,  
Defendants.

Case No. [17-cv-05434-WHO](#)

**ORDER GRANTING MOTION TO  
LIFT STAY OF PROCEEDINGS**

Re: Dkt. No. 91

On May 16, 2018, I granted defendant Tesla's motion to compel arbitration, stayed the case pending the outcome of that arbitration, and "denied without prejudice for administrative purposes" the motions to dismiss filed by defendants Experian and Tesla, noting that "they may be refiled upon completion of arbitration if appropriate." Dkt. No. 76. On October 7, 2019, plaintiff Skiles filed this motion to lift the stay, following an order from the arbitrator on June 4, 2019, finding that Skiles' federal claims are not subject to arbitration. Dkt. No. 91. Skiles requests that I lift the stay and order defendants to file a response to the First Amended Complaint within twenty-one (21) days of the lifting of the stay. *Id.*

Experian does not oppose the motion. Dkt. No. 92. Experian notes that during the time within which this case has been stayed, the Ninth Circuit and district courts have decided a number of cases that are relevant to this matter. *Id.* Experian intends to brief additional case law that materially impacts this case. *Id.*

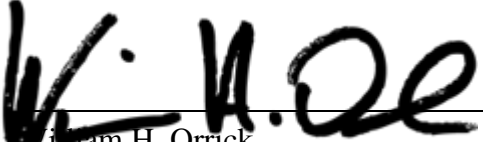
Tesla does not oppose Skiles' request to lift the stay but opposes refileing its motion to dismiss. Dkt. No. 93. Tesla argues that it has already expended substantial effort to fully brief the previously-filed motion to dismiss. *Id.* Skiles requests an opportunity to more fully address the other motion to dismiss arguments because Skiles' previously filed opposition to Tesla's motion

dedicated approximately eight (8) pages to the arbitration issue. Dkt. No. 95.

Accordingly, I GRANT Skiles' motion to lift stay. Experian must file a response to the First Amended Complaint within twenty-one (21) days of this order. Skiles may file a revised opposition to Tesla's motion to dismiss, Dkt. No. 64, on the same day opposition is due on Experian's new motion, not exceeding ten (10) pages. Tesla may file a reply to Skiles' revised opposition two weeks thereafter, not exceeding ten (10) pages.

**IT IS SO ORDERED.**

Dated: November 6, 2019

  
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William H. Orrick  
United States District Judge

United States District Court  
Northern District of California